

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PRL USA HOLDINGS, INC.,

Plaintiff,

- against -

CARLBERG DESIGN, INC., et al.,

Defendants.

JOHN G. KOELTL, District Judge:

This is a motion by the defendants to stay prosecution of this action in favor of an action previously filed by Carlberg Design, Inc. (one of the defendants in this action) against PRL USA Holdings, Inc. (the plaintiff in this action) in the Central District of Illinois. See Carlberg Design, Inc. v. PRL USA Holdings, Inc., Civ. Action No. 05-3151 (C.D. Ill.).

The defendants argue that the first-filed action in the Central District of Illinois should proceed and that this action should therefore be stayed. The plaintiff responds that the Central District of Illinois, the Court with jurisdiction over the first-filed suit, should decide which suit should proceed, and this motion is therefore superfluous. In the Illinois action, PRL USA has filed a motion to dismiss the first-filed Illinois action, and Carlberg has filed a cross-motion to enjoin this action.

All parties agree that the Court with jurisdiction over the first-filed action should decide which action should proceed.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/18/2006

05 Civ. 5888 (JGK)

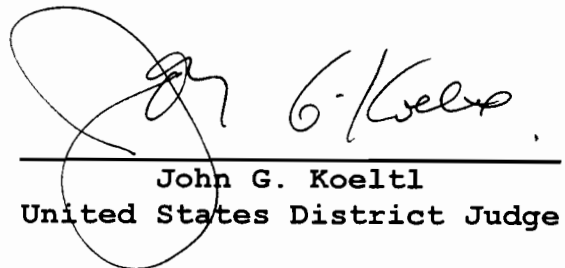
MEMORANDUM OPINION
AND ORDER

See, e.g., MSK Ins., Ltd. v. Employers Reinsurance Corp., 212 F.Supp.2d 266, 267 (S.D.N.Y. 2002) ("This District has laid down a bright-line rule for situations such as this: The court before which the first-filed action was brought determines which forum will hear the case.") Therefore, this Court defers to the Central District of Illinois for a determination of which action should proceed. Until that Court has reached its decision, this Court will stay this action in order to avoid duplication of efforts and to assure that there is no interference with the decision of the Central District of Illinois. The Court expresses no view as to how the issues before the Central District of Illinois should be decided.

For the reasons explained above, this action is **stayed pending further order**. The parties should advise the Court when there has been a decision by the Central District of Illinois.

SO ORDERED.

**Dated: New York, New York
September 26, 2005**



**John G. Koeltl
United States District Judge**